

REMARKS

An Office Action was mailed on November 30, 2004. Claims 1-6 are pending.

DRAWINGS

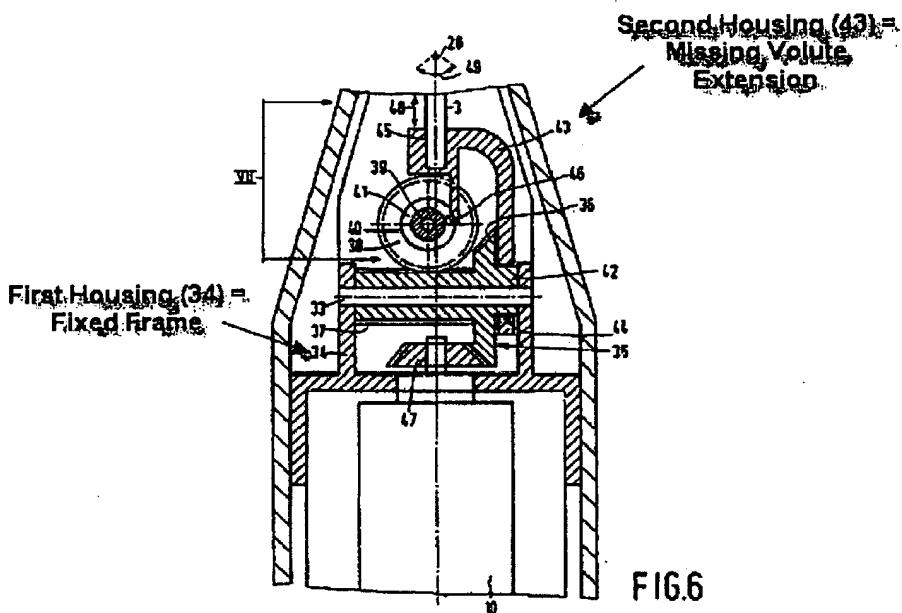
The Examiner objected to the drawings because the washer of claim 6 is not shown. Responsive thereto, Applicant has canceled claim 6, thus rendering the drawing objection moot.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-4 are rejected under 35 U.S.C. §102(b) as being anticipated by Wiedmann et al. (U.S. Patent 5,448,792), claims 1 and 3-5 are rejected under 35 U.S.C. §102(b) as being anticipated by Cheng (U.S. Patent 6,581,233), and claims 1 and 3 are rejected under 35 U.S.C. §102(b) as being anticipated by Hwang (U.S. Patent 5,381,576).

Applicant respectfully disagrees with the Examiner that the claims are taught by the cited art. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ...claim.” (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). “The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required.” (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

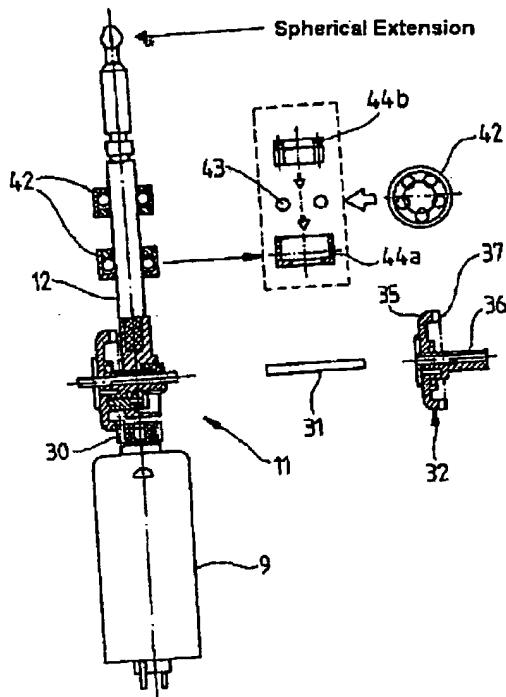
In this case, the cited art fails to teach the claimed invention as required by the MPEP. Firstly, Wiedmann et al. fails to teach or reasonably suggest a first housing (34) that rotates or a volute extension of the second housing cooperatively mating with an opening in a portion of the head to translate reciprocating movement of the second housing into oscillating motion of the cleaning elements about the longitudinal axis of the toothbrush, as illustrated in the following annotated FIG. 6 from Wiedmann et al.:



The Examiner appears to have focused only on the resultant translation of a reciprocating movement to an oscillating movement and overlooked the specific requirements of the claimed volute extension in Wiedmann et al. as the oscillating movement (49) is the result of the cooperation of a cam follower (46) with a cam groove (41) as set forth in the paragraph bridging columns 4 and 5 of Wiedmann et al.

Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejection in view of Wiedmann et al.

Cheng '233 teaches a structure that is even further from the present structure than Wiedmann et al. Cheng teaches a motor that generates a head oscillation based on eccentrically-positioned wheels, and a shaft extension (13) that is spherical or ball shaped and does not constitute a volute extension as required by the claims and as illustrated in the following annotated FIG. 5 from Cheng '233:

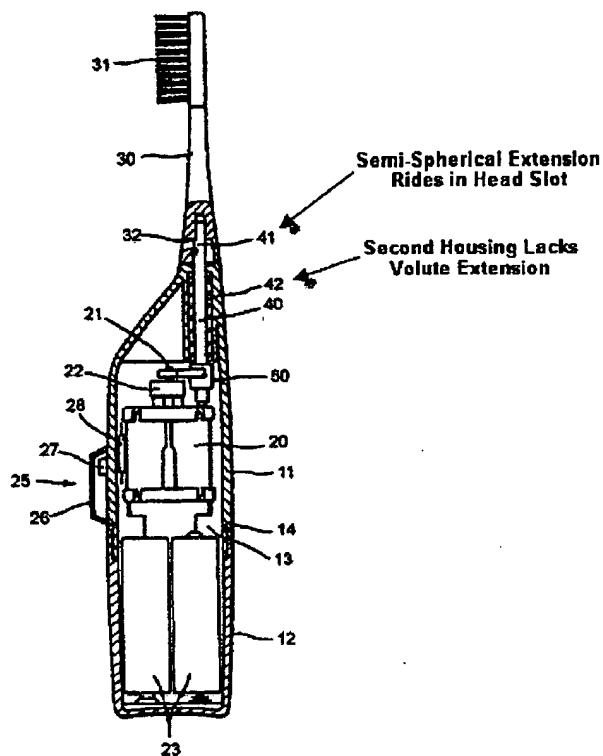


The claimed volute extension cooperatively mates with an opening in the head, which is completely lacking in Cheng. Cheng also teaches bristle elements that oscillate about their axes of rotation and not the longitudinal axis of the toothbrush as required by the claims.

Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejection in view of Cheng '233.

The Hwang reference (5,381,576) also fails to teach a volute extension, aside from disclosing a completely different drive arrangement. Specifically, Hwang fails to teach or reasonably suggest *a volute extension of the second housing cooperatively mating with an opening in a portion of the head to translate reciprocating movement of the second housing into oscillating motion of the cleaning elements about the longitudinal axis of the toothbrush*, as claimed. In Hwang, a shaft (40) having a semi-spherical portion (41) engages a slot (32) in the head to enable oscillatory movement of the head relative to the handle as illustrated in the following annotated FIG. 7 from Hwang '576:

Fig. 7



However, this "extension" is neither volute, nor does it result in a translation of motion from reciprocating to oscillating. This is evident from the Examiner's discussion that fails to specifically identify the volute extension in the Hwang reference, its cooperative mating relationship with the head, and its function as a motion transformer.

Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejection in view of Hwang '576.

REJECTIONS UNDER 35 U.S.C. § 103

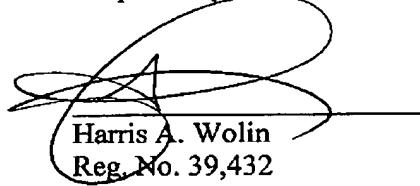
The Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Cheng '233 in view of Kent (U.S. Patent 3,196,298). Such rejection has been rendered moot in view of the cancellation of claim 6.

Applicant has studied the prior art of record and has added claims 8-13 to more appropriately recognize the scope of the present invention. Such claims do not focus on a "volute" extension per se, but cover any type of extension of the second housing that cooperatively mates with an opening in a portion of the head for translating reciprocating movement of the second housing into oscillating motion of the cleaning elements about the longitudinal axis of the toothbrush. In the prior art of record, this translation occurs in the handle portion and not the head portion as set forth in claims 8-13. Accordingly, such claims should be patentable over the prior art of record.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-5 and 7-13, consisting of independent claims 1 and 8 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 03-2455.

Respectfully submitted,



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